IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

R.P.No. 344 of 2007

AGAINST THE JUDGEMENTIN MFA.1297/2000 Dated 07/02/2007
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REVIEW PETITIONER/RESPONDENT NO.3:

UNITED INDIA INSURANCE CO.LTD.,
KUNNAMKULAM, (INSURER OF AUTORICKSHAW NO.
KL-9/7922).

BY ADV. SRI.P.MURALEEDHARAN

RESPONDENTS/APPELLANT AND RESPONDENT NOS.1,2,4,5 & 6:
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1. DEVIKA, W/O.HARI,
RESIDING AT DEVIKA NILAYAM,
SHORNUR IN OTTAPALAM TALUK, PALAKKAD DISTRICT.

2. JOSE, S/O.INASU, RESIDING AT RADHA
KRISHNA NIVAS, (THALAKKOTTUR VEEDU),
CHUDUVALATHUR, SHORNUR IN OTTAPALAM TALUK,
PALAKKAD DISTRICT.

3. MANIKANDAN, RESIDING AT MULAKKAL HOUSE,
GANESHGIRI, SHORNUR IN OTTAPALAM TALUK,
PALAKKAD DISTRICT.

4. P.K.SANTHOSH, S/O.KUMARAN,
THARALI VEEDU, POONKUNNAM, THRISSUR,
(DRIVER OF BUS NO.KL-8 E/6669).

5. AMBALAKKATT VIJAYAKUMARAN NAIR,
S/O.BALAN NAIR, KARTHIKA, KUTTOOR,
THRISSUR (OWNER OF BUS NO.KL-8 E/6669).

6. ORIENTAL INSURANCE COMPANY LIMITED,
THRISSUR (INSURER OF BUS NO.KL-8 E/6669).

SRI.P.G.P.PANICKER
SRI.SANTHEEP ANKARATH
SRI.P.V.JYOTHI PRASAD

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

R.P. No.344 of 2007 IN M.F.A.No.1297 of 2000

Dated this the 12th day of April, 2007

Order

Koshy, J.

In the impugned judgment, respondents 1 and 2 were ex parte. The tribunal has directed to pay 50% of the amount awarded by respondents 1 and 2 and balance amount by respondents 4, 5 and 6. Third respondent insurance company was exonerated by the tribunal. We have also found that there was no valid policy, but, while writing the operative portion, we have written that 50% of the amount, that is, Rs.90,135/- with interest and cost awarded by the tribunal should be paid by the third respondent after deducting the amount already paid instead saying that respondents 1 and 2 should pay the amount. That was only a typographical mistake and that is corrected. 50% of the amount shall be deposited by respondents 1 and 2 jointly and severally. Liability of the sixth respondent is not interfered with. The review petition is allowed to the above extent.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

R.P. No.344/2007 IN
M.F.A.NO.1297/2000

ORDER

Dated:12th April, 2007